

## Survey of Participants in OSHRC Conventional Proceedings

This is a voluntary survey of participants regarding their experiences with the United States Occupational Safety and Health Review Commission (OSHRC) programs. This survey is conducted by Indiana University on behalf of OSHRC.

The survey is designed to take as little of your time as possible. We estimate that it should take about 30 minutes. However, if you prefer you can add your own comments at the end of the questionnaire. Skip any questions you do not feel comfortable answering. Your responses will be kept strictly confidential.

Please complete the survey in the next week. Once you have finished, place the completed questionnaire in the enclosed postage-paid return envelope and mail it to us. If you have any questions, please contact Deanna Malatesta, Indiana University Purdue University Indianapolis School of Public and Environmental Affairs, at 317-274-0876 or by email at [dmalates@iupui.edu](mailto:dmalates@iupui.edu). Thank you for your participation in this very important study.

1. Which of the following best describes your role in your most recent OSHRC Conventional Case?

- Representative of Employer (Non-Attorney)
- Attorney for Employer (Attorney)
- Solicitor for Department of Labor
- Authorized Employee Representative (Union)
- Attorney for Authorized Employee Representative
- Other: \_\_\_\_\_

2. What OSHRC programs have you participated in: (Check all that apply)

- Simplified Proceeding (s) (formerly called EZ Trial)  
If so, how many times?  one time  2-5 times  more than 5 times
- Conventional Case (s) settled through Mandatory Settlement Part  
If so, how many times?  one time  2-5 times  more than 5 times
- Conventional Case(s) resolved with a Trial  
If so, how many times?  one time  2-5 times  more than 5 times
- Conventional Case(s) resolved without a Trial  
If so, how many times?  one time  2-5 times  more than 5 times

3. Please describe your most recent Conventional (Non-Simplified) case. (Check all that apply).

- Disagreement that OSHA violation(s) actually occurred
- Dispute about the fine amount(s)
- Dispute about the abatement period
- Dispute about OSHA's characterization of the violations as willful, repeat, or serious
- Other: \_\_\_\_\_

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\*Public Burden Statement: According to the Paperwork Reduction Act of 1995, no person is required to respond to this collection of information unless it displays a currently valid control number assigned by the Office of Management and Budget (OMB).

4(a). About how many times did you communicate orally with the Judge during the litigation process before trial?

- never    only 1    2-5    more than 5

4(b). About how many times did you communicate in written form with the Judge during the litigation process before trial?

- never    only 1    2-5    more than 5

5. At what point was your case resolved? (If you had more than one case over the past year please focus on your most recent case):

- Before a trial on the merits was scheduled
- After a trial on the merits was scheduled, but before the trial began
- During the course of a trial on the merits
- After a trial on the merits

6. Do you think your case should have settled sooner than it did?

- no    yes



If yes, please explain

7. In your opinion, does information exchange (discovery) in advance of any trial **begin**:

- too early
- a little early
- just right
- a little late
- too late
- not applicable to my experience

8. In your opinion, does information exchange (discovery) in advance of any trial **end**:

- too early
- a little early
- just right
- a little late
- too late
- not applicable to my experience

The following questions focus on your satisfaction with various aspects of OSHRC's Conventional **processes**. If you have had more than one previous case before OSHRC, please focus on your most recent case in your responses.

	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
9. How satisfied were you with <b>the level of control you had over the process?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. How satisfied were you with the <b>fairness of the process?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. How satisfied were you with the <b>process overall?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Please indicate your level of satisfaction with the following:**

	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
12. How satisfied were you with the <b>level of respect</b> with which you were treated during the Conventional processes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. How satisfied were you with <b>fairness of outcome?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. How satisfied were you with the <b>overall outcome</b> of the case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Do you agree or disagree with the following statements:**

	<b>Strongly Agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
15. OSHRC's rules of procedure are easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. I think the scheduling of conferences and other matters was prompt.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. The amount of information exchanged in the case was appropriate given the facts/ nature of the case.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. I was able to adequately present and defend my position.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. The case probably would have settled earlier with the help of a judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. I would have preferred engaging in formal settlement processes before a settlement judge.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY. USE THE SPACE BELOW TO SHARE ANY ADDITIONAL COMMENTS. PLEASE PLACE THE COMPLETED QUESTIONNAIRE IN THE ENCLOSED POSTAGE-PAID RETURN ENVELOPE AND MAIL IT TO US.**